

AGENDA

COMMITTEE ON LANDS AND BUILDINGS

(Note: Committee reports, if any, will be submitted to the BMA on 08/02/2005.)

July 19, 2005

**Aldermen Thibault, Roy,
Gatsas, Osborne, Porter**

4:30 PM

**Aldermanic Chambers
City Hall (3rd Floor)**

1. Chairman Thibault calls the meeting to order.
2. The Clerk calls the roll.
3. Communication from Russel Johnson, PSNH, seeking authorization to place a padmount transformer and cement slab (8' x 8') and situated approximately 5 feet from the back of the Visitors Center at Veterans Park.
Gentlemen, what is your pleasure?

TABLED ITEMS

A motion is in order to remove any of the following items from the table for discussion.

NOTE: In reference to Items 4, 5, 6 & 7 a draft City of Manchester policy regarding private sector use of the former Portsmouth Branch Railroad Line ROW submitted by Planning is attached. All items were retabled on either 01/10/2005 or 05/02/2005 pending review by Parks & Recreation, Planning, Assessors and City Solicitor to work on a procedure for all departments. Proposed policy and procedure dated July 6, 2005 submitted by the City Solicitor's office enclosed.

4. Land between Valley and Grove Streets previously owned by B&M Railroad.
(Tabled 05/26/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)
Board of Assessors – value range \$57,448
Planning – do not dispose, license might be considered with conditions
Parks & Recreation – do not dispense, temporary use license or agreement subject to conditions to be considered

5. Land at Belmont/Valley/Grove Streets formerly owned by B&M Railroad.
(Tabled 07/27/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)
Board of Assessors – value range \$26,484
Planning – recommend license for usage subject to conditions
Tax Collector – no interest, not tax-deeded parcel

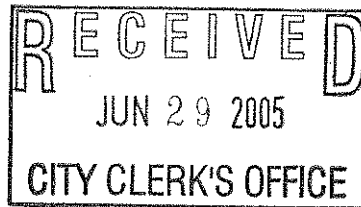
6. Land at Maple/Somerville Streets formerly owned by B&M Railroad.
(Tabled 07/27/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)
Board of Assessors – value range \$21,084
Planning/Parks – do not dispose, recommend license for usage subject to condition

7. Communication from Greg Grace, Vice President of PMC Wire requesting access to their plant from Valley Street, which would require crossing the former Portsmouth Branch rail corridor.
(Tabled 05/02/2005 pending standard policy for purchasing railroad land to be submitted by Planning.)

8. If there is no further business, a motion is in order to adjourn.



**Public Service
of New Hampshire**



Public Service Company of New Hampshire
370 Amherst Street,
Nashua, NH 03063
1-800-662-7764

The Northeast Utilities System

Russel D. Johnson
Southern Division Circuit Manager
(603) 882-1387 X5250
(603) 880-1906 FAX

June 27, 2005

The Honorable Board of Mayor and Aldermen
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Honorable Members of the Board:

Representatives from PSNH recently met with Chuck DePrima, Manchester Parks and Recreation, to discuss obtaining permission to place a padmount transformer within the confines of Veterans Park. An increase in power requirements for the downtown area, e.g. the rehabilitation of 795 Elm Street, requires that we add to our available capacity.

The plan, which we discussed with Chuck, would involve the installation of an above ground padmount transformer within the gates of the park located along the back wall of the Visitors Center on the corner of Merrimack and Hanover Sts. The area occupied by the padmount transformer and cement slab would amount to 8 ft by 8 ft and would be situated approximately 5 feet from the back of the building (approximate location shown on enclosed plan). However, the precise location of the pad and the path and orientation of conduits may be dictated by other underground utilities located in the area.

The plan to install the padmount within the confines of the park is an alternative to an earlier proposal, discussed with Peter Capano, Manchester Highway, to install an additional 'network' transformer. This transformer, which would be added to the downtown 'network system' would be installed in a manhole in the sidewalk adjacent to the park on Merrimack Street. We would then trench to the existing manhole (#49) located on Merrimack Street (between Elm and Chestnut).

There are several advantages to the padmount transformer option. It reduces loading on the downtown network system supplied by our Brook Street substation, thereby reserving capacity for future development of existing buildings served by the network. This option eliminates the need for the significant excavation associated with the installation of an 8 ft by 17 ft network vault in the sidewalk along the south side of Merrimack Street. Therefore, the corresponding

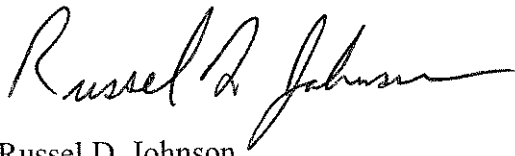
3

access panels and grating in the sidewalk required to provide access and cooling for the network transformer would no longer be needed.

In addition, this option completes the first step of a PSNH project to create an alternate feed from the switchgear located near the Manchester Police Department to the switchgear located on the southerly side of Veteran's Park. The completion of this alternate feed will provide the ability to backfeed the Manchester Police Department, the GSA building, and this proposed transformer.

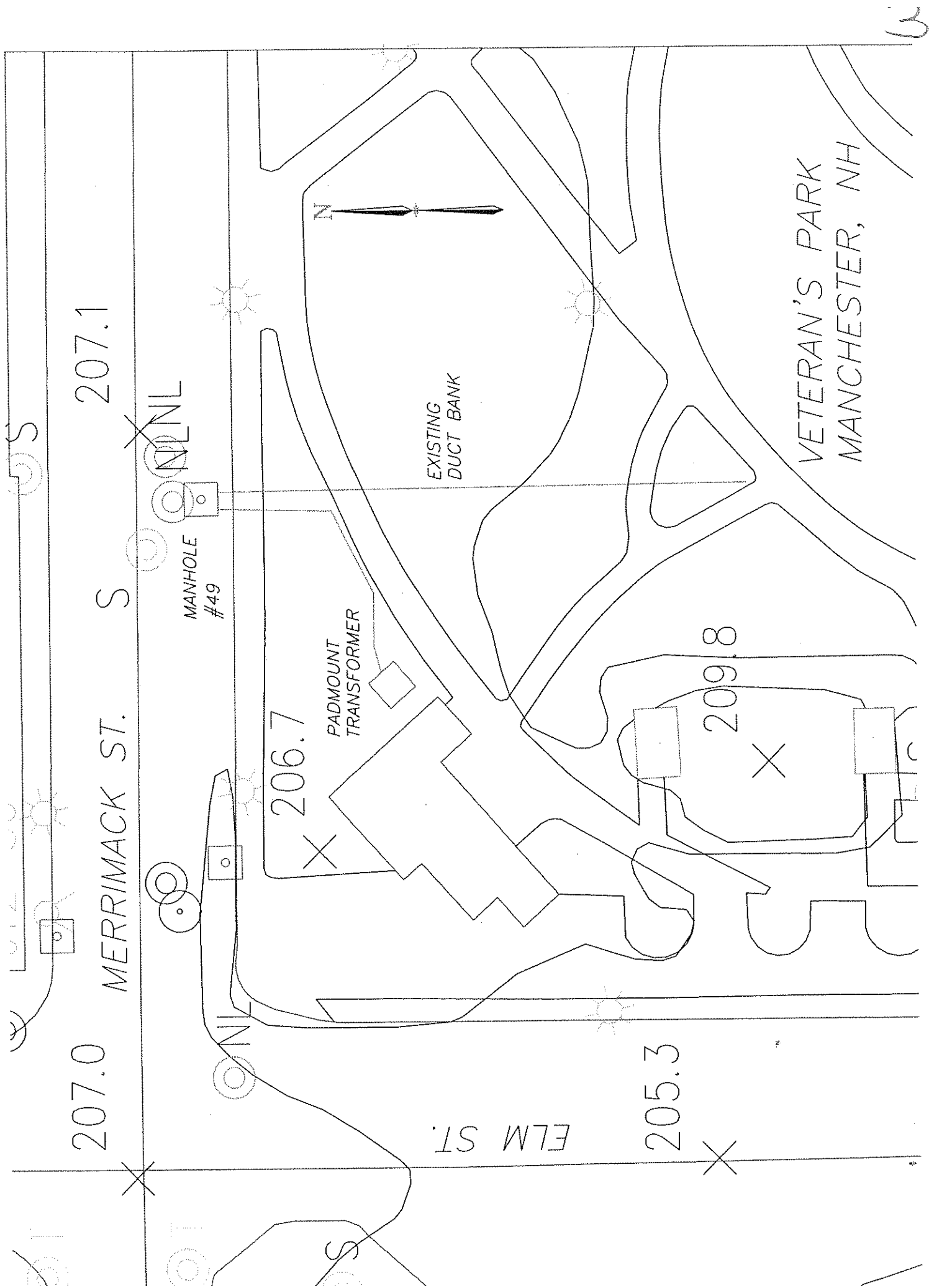
Please contact me with any questions or comments regarding this request.

Sincerely,



Russel D. Johnson
Southern Division Circuit Manager

cc: Robert T. Hybsch
George W. Kellermann
Peter Capano, City of Manchester
Chuck DePrima, City of Manchester



Tabled Items - Note



**City of Manchester
Office of the City Solicitor**

One City Hall Plaza
Manchester, New Hampshire 03101
(603) 624-6523 Fax (603) 624-6528
TTY: 1-800-735-2964
Email: solicitor@ci.manchester.nh.us

Thomas R. Clark
City Solicitor

Thomas I. Arnold, III
Deputy City Solicitor

Daniel D. Muller, Jr.
~~Kenneth R. Bernard~~
Michele A. Battaglia
Marc van Zanten

July 6, 2005

Committee on Lands and Buildings
c/o Leo Bernier, Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

**Re: Policy Regarding Private Use of the Former Portsmouth Branch Railroad
Right of Way**

Gentlemen:

At the request of the Committee on Lands and Buildings, City staff from the Planning Department, Parks, Recreation and Cemetery Department as well as the City Solicitor's office met to develop a policy for private use of the former Portsmouth branch railroad right of way including a procedure for a private person or entity to apply to use a portion of the former right of way. A proposed policy and procedure is enclosed.

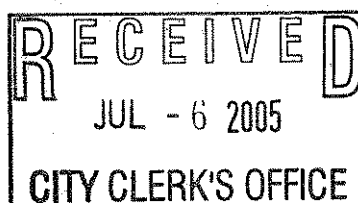
Staff will be in attendance when the Committee considers the attached policy should there be any questions.

Very truly yours,

Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms

enclosure
pc: Charles Deprima
David Beauchense



Tabled
Items
Notes

*City of Manchester Policy
Regarding
Private Sector Use of
the Former Portsmouth Branch Railroad Line Right-of-Way*

1. *BECAUSE* the conveyance deed which transferred the former Portsmouth Branch Line right-of-way from the State of New Hampshire to the City of Manchester requires that the City of Manchester "shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public", and
2. *BECAUSE* that same deed requires that "Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process"; and
3. *BECAUSE* that same deed requires that the "City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor"; and
4. *BECAUSE* that same deed reserves to the State of New Hampshire "a transportation easement, 30 feet in width, crossing all the [parcels associated with the former Portsmouth Branch Line ROW] for any mode of public travel. . . .", and
5. *BECAUSE* any application by the City for state and federal Section 106 historic review which would be necessitated by any alteration to the former Portsmouth Branch railroad corridor would represent a significant time and monetary expense to the City;

6. It is *CONSEQUENTLY* the policy of the City of Manchester to

PROMOTE the development of authorized public recreational uses along the former Portsmouth Branch railroad corridor; and, in order to satisfactorily ensure this end,

DISCOURAGE private sector uses on the former Portsmouth Branch railroad corridor.

7. In any exceptional case where the City is considering the authorization of private sector use of any portion of the former Portsmouth Branch railroad corridor, it is also the policy of the City of Manchester to ensure the following:
 - (a) That any terrain alteration activities will be strictly limited to removal of steel rails and wooden ballast works, the installation of recreational trails, and/or installation of a loam and grass seed cover and work will be carried out under the supervision, and to the satisfaction, of the Parks, Recreation and Cemetery Department;
 - (b) That all approved terrain alteration, recreational trail installation, and/or loam and grass seeding activity will be carried out and paid for by the authorized private sector entity;
 - (c) That no structure including fencing, not related to recreational trail usage will be constructed or placed within any portion of the former Portsmouth Branch railroad corridor; *
 - (d) That the general public will retain continual freedom of movement over the Portsmouth Branch railroad corridor;

Tabled
Item
Notes

- (e) That no use will be authorized if its current or future purpose is to satisfy, or aid in satisfying for any private sector person or entity, any zoning ordinance, site plan or subdivision requirement, or any other municipal ordinance or regulation;
 - (f) That no use will be authorized if any activity associated with that use would sufficiently alter the former Portsmouth Branch railroad corridor in such a way as to necessitate any state or federal evaluation under the Section 106 historic review process;
 - (g) Except in cases of extreme hardship, that any and all uses permitted by the City shall be by written revocable license;
 - (h) That any and all issued licenses shall contain a provision which will allow it to be revocable by the City, in its sole discretion at any time for any reason. Upon revocation the private person or entity shall return Portsmouth Branch corridor to its original condition or to such condition as the Parks, Recreation and Cemeteries Department shall agree; and
 - (i) That any issued license may contain any provision deemed reasonable by the City Solicitor to carry out the intent of this policy or for any other purpose.
8. Procedure: Any person or entity wishing to use a portion of a former Portsmouth Branch railroad corridor shall:
- (a) Submit a written application to the Committee on Lands and Buildings (c/o the City Clerk) which shall include a listing of the specific uses planned for the former Portsmouth Branch railroad corridor and shall also include a site plan of the affected area which has been prepared and signed by a licensed surveyor. The site plan shall, at minimum, show the boundaries of the former Portsmouth Branch railroad corridor, the location of the applicant's property, and existing and proposed site conditions.
 - (b) The City Clerk shall send a copy of the application to the Planning and Community Development Department and to the Parks, Recreation and Cemeteries Department for review and recommendation.
 - (c) Once the City Clerk has received the recommendations of the Planning and Community Development and Parks, Recreation and Cemeteries Departments, the application along with the departmental recommendations shall be placed on the agenda of the Committee on Lands and Buildings for Committee action.
 - (d) Should the Committee on Lands and Buildings recommend that the uses proposed in the written application, as it may be amended, be allowed, that recommendation shall then be sent to the Board of Mayor and Aldermen for action.
9. If the Board of Mayor and Aldermen votes to allow the proposed use, the applicant shall pay an annual nonrefundable fee for the revocable license issued by the City equal to the real estate taxes the applicant would pay if the applicant owned the property which they are using as determined by the Board of Assessors, and collected by the City Clerk.

Tabled
Item
Notes

Planning Staff
City of Manchester Policy
Regarding
Private Sector Use of
the Former Portsmouth Branch Railroad Line Right-of-Way

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2. *BECAUSE* that same deed requires that "Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process"; and
3. *BECAUSE* that same deed requires that the "City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor"; and
4. *BECAUSE* that same deed reserves to the State of New Hampshire "a transportation easement, 30 feet in width, crossing all the [parcels associated with the former Portsmouth Branch Line ROW] for any mode of public travel. . . .", and
5. *BECAUSE* any application by the City for state and federal Section 106 historic review which would be necessitated by any alteration to the former Portsmouth Branch railroad corridor would represent a significant time and monetary expense to the City;
6. It is *CONSEQUENTLY* the policy of the City of Manchester to

PROMOTE the development of authorized public recreational uses along the former Portsmouth Branch railroad corridor; and, in order to satisfactorily ensure this end,

DISCOURAGE private sector uses on any portion of the former Portsmouth Branch railroad corridor.

7. In any exceptional case where the City is considering the authorization of private sector use of any portion of the former Portsmouth Branch railroad corridor, it is also the policy of the City of Manchester to ensure the following:
 - (a) That any terrain alteration activities will be strictly limited to removal of steel rails and wooden ballast works, the installation of recreational trails, and/or installation of a loam and grass seed cover and that any such activity and work will be carried out under the supervision, and to the satisfaction, of the Parks, Recreation and Cemetery Department;
 - (b) That all approved terrain alteration, recreational trail installation, and/or loam and grass seeding activity will be carried out and paid for by the authorized private sector entity;
 - (c) That no structure or object, including fencing, not related to recreational trail usage will be constructed or placed within any portion of the former Portsmouth Branch railroad corridor;
 - (d) That the general public will retain continual freedom of movement over the entire area of the Portsmouth Branch railroad corridor;

Planning DRAFT

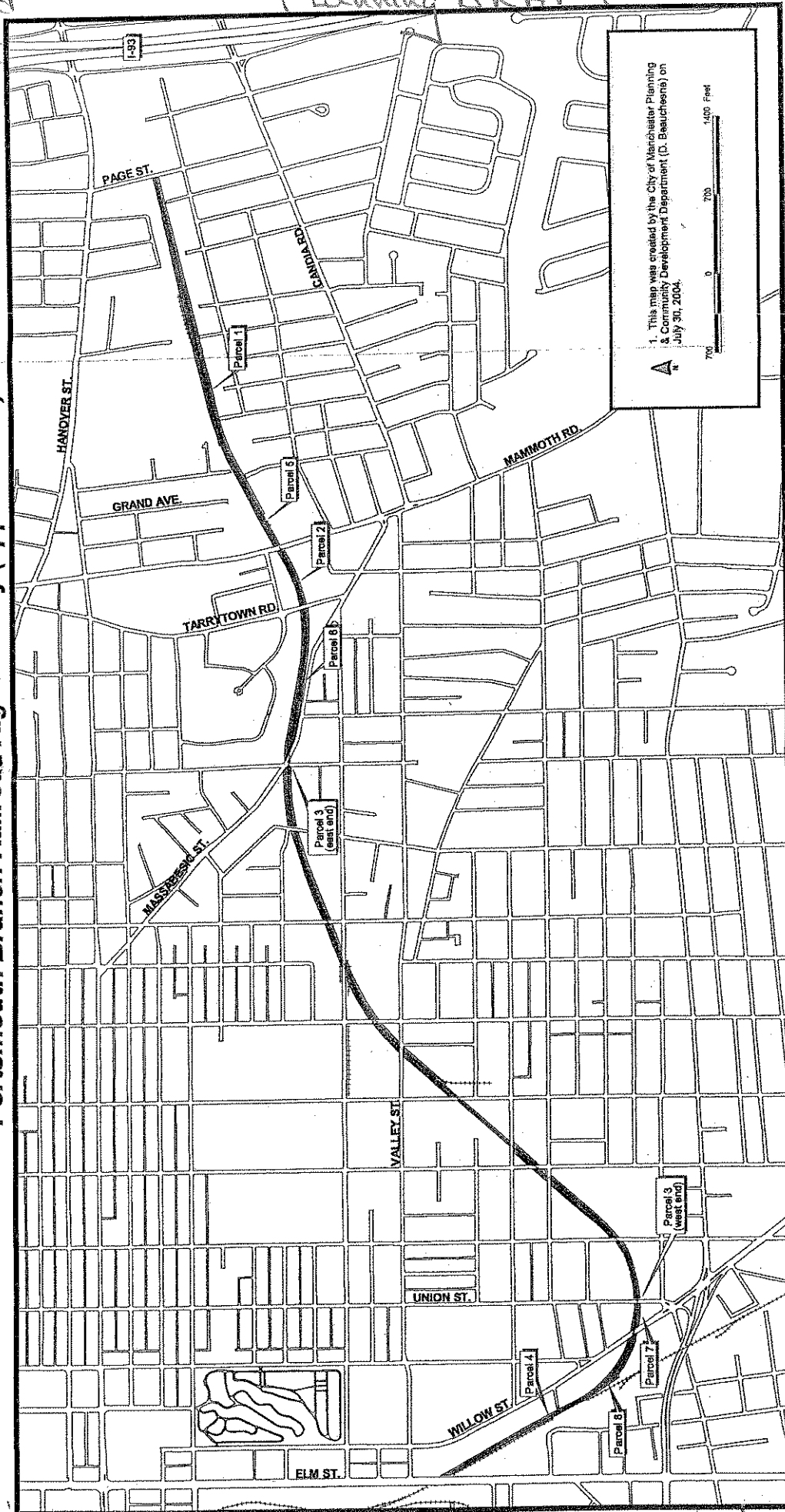
Tabled
Item
Notes

- (e) That no use will be authorized if its current or future purpose is to satisfy, or aid in satisfying for any private sector person or entity, any zoning ordinance, site plan or subdivision requirement, or any other municipal ordinance or regulation;
- (f) That no use will be authorized if any activity associated with that use would sufficiently alter the former Portsmouth Branch railroad corridor in such a way as to necessitate any state or federal evaluation under the Section 106 historic review process;
- (g) That any and all uses permitted by the City shall be by written license;
- (h) That any and all issued licenses shall contain a provision which will allow it to be revocable by the City, in its sole discretion at any time for any reason. Upon revocation the private person or entity shall return Portsmouth Branch corridor to its original condition or to such condition as the Parks, Recreation and Cemeteries Department shall direct; and
- (i) That any issued license may contain any provision deemed reasonable by the City Solicitor to carry out the intent of this policy or for any other purpose.

Added
Item
Notes

Planning DRAFT

Portsmouth Branch Railroad Right-of-Way (approximate)



4

JMS VALLEY GROVE, LLC
P.O. BOX 6482
MANCHESTER, NH 03108-6482
603-626-7333

Alderman Henry R. Thibault
Chairman of Lands and Building Committee
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Dear Mr. Thibault.

After speaking with Mr. Osborne, Mr. Johnson and the DPW, they recommended that I direct my requests to your office. My brother Mark and I own and manage the Valley Grove Apartments located in the 700 series on Valley and Grove Streets, just north of Belmont. Since purchasing the property we have dedicated our efforts to capital improvements of the buildings interiors. Now that spring is upon us, we would like to positively enhance our neighborhood by maintaining the rail bed that separates the properties. Specifically, we would like to create an open space area that would be conducive for children to play unimpeded by the liability surrounding the iron rails and the wooden supports below them.

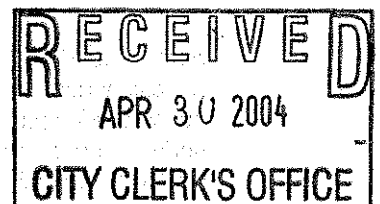
Our proposals would not, in any way, financially burden the city and would in fact lessen or eliminate a potential hot spot for injury. Mark and I would like to remove the railroad tracks, spread loam and seed creating a grassed play area for the children of the apartment complex. Our plans do not include the use of any recreational structures or any outside contractors. Rough drawings of our intentions are included herein.

We certainly would appreciate any of your recommendations.

Sincerely,



Steve Mscisz
Manager
JMS Valley Grove Apartments
603-626-7333



4

VALLEY ST.

744
VALLEY
APTS

PARKING

722
VALLEY
APTS

LUIGIS
REST

BELMONT ST.

FENCE

NEW
FENCE

PROPOSED
AREA

NEW
FENCE

FENCE

FENCE

RAIL BED

FENCE

PARKING

PARKING

739
GROVE
APTS

733
GROVE
APTS

GROVE ST.

To: Committee on Lands and Buildings
From: Board of Assessors
Date: December 15, 2004

Re: Map 129 Lot 12
Owner of abutting property- MMSM LLC
Address: 722- 744 Valley St & 733 Grove Street
Request to Purchase Property or Lease/License Property

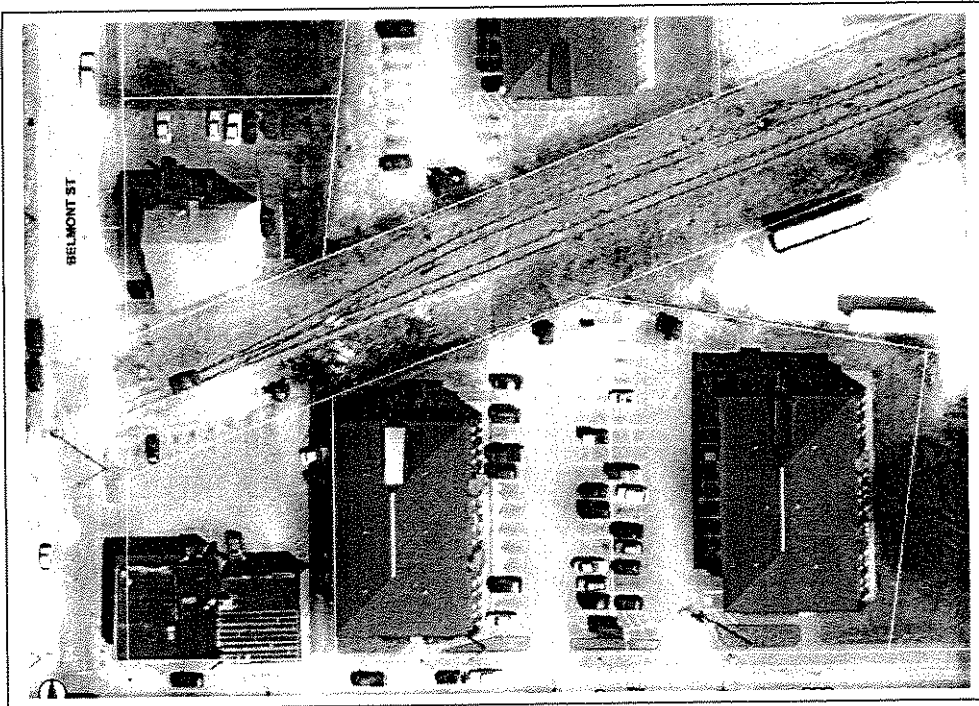
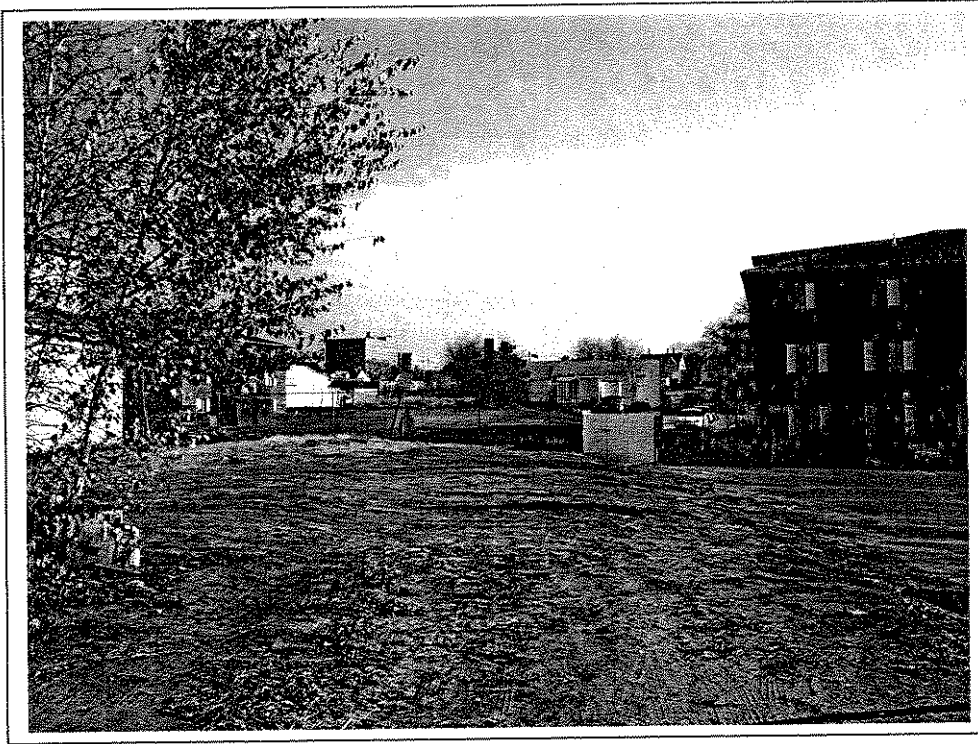
The Assessors have completed an analysis of the estimated market value of the above referenced property. An analysis of the available assessing records has been completed. A review of sales of excess B & M railroad tract land has also been completed. The following is a summary of important facts, and the value estimate:

Property Location	Land is located between Valley and Grove Street & Belmont and Taylor
Assessors Map/Lot	Map 129 Lot is not assigned
Property Owner	City of Manchester, NH
Deed Book/Page	Deeded 1/10/02 Book 6561 Page 1308
Date Acquired	Jan 11, 2002
Improved/Vacant	Vacant
Total Land Area	14,362
Current Zoning	RDV Which means Any permitted use
Easements/Restrictions	Railroad
Utilities Available	All
Total Current Assessment	\$0
Indicated Range of Value/Unit	\$4.00 per foot
Indicated Range of Value	\$57,448
Comments	We are using \$4.00 per sq. ft, which is what B & M is selling land to individuals that purchase land in areas like this one.

Respectfully submitted by the Board of Assessors,

Thomas C. Nichols

JMS Valley Grove Apartments



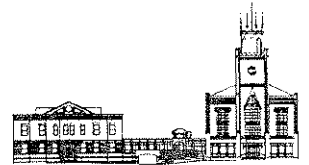


Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

July 22, 2004

Committee on Land and Buildings
Honorable Board of Mayor and Aldermen
City Hall - One City Hall Plaza
Manchester, N.H. 03101

RE: *Disposition of city-owned land located between Valley and Grove Streets previously owned by the B&B Railroad Company*

Dear Committee Members:

This is to provide a report pursuant to Section 23½ pertaining to the above-referenced city-owned land.

The City recently received a letter from JMS Valley Grove LLC inquiring about the possibility of acquiring, or receiving permission to use, an approximately 200 foot long section of the city-owned former Portsmouth Branch rail corridor which passes between the Valley Grove Apartment complex which is located on Valley and Grove Streets a short distance to the east of Belmont Street. The specific purpose for their request is to acquire land which may be used as a private playground for the lessees of their several abutting apartment buildings; one aspect of their plan involves fencing off any city-owned land they may acquire for their private and exclusive use.

Evidence from a recent site visit appears to indicate that agents for JMS Valley Grove LLC have already erected a timber barrier across the former rail ROW at the east end of their properties, removed and disposed of at least 200+ feet of city-owned steel rails and supportive timber ballast which previously crossed that area, and they have proceeded to loam, seed and water that city-owned land in a manner conducive to exclusive private use. Thus, through their current request, JMS Valley Grove, LLC, appears to be seeking retroactive authorization to use and/or own land which they have already altered and occupied without permission.

Surplus Determination: The Planning Department has reviewed the affected properties and communicated with the Parks Department about this matter and we wish to report, as we have in similar cases in the past, that in transferring ownership of this ROW to the City, the State of New Hampshire included a deed provision which requires that the subject rail ROW be used as a recreational trail. With this in mind, it would appear that any kind of sale of this former rail ROW to private sector interests would be in violation of this agreement and, as a result, we do not recommend that any portion of the ROW be determined surplus to City needs.

Disposition: While the applicant's development of the subject land in advance of any formal permission to use it is improper, our sense is that their proposed use of the land is inoffensive and we would recommend the following disposition: if it would not obstruct or otherwise compromise any portion of the City's future pedestrian/ bicycle trail plan, the Committee may wish to recommend that a license be issued to JMS Valley Grove LLC allowing their use of an appropriate portion of the subject ROW for their playground needs. Our advice is based on the condition that (a) no private fence be placed on any part of the ROW; (b) no permanent structure be erected on the ROW; and (c) the public continue to have, as it does now, freedom of movement along the entire length of the former rail corridor.

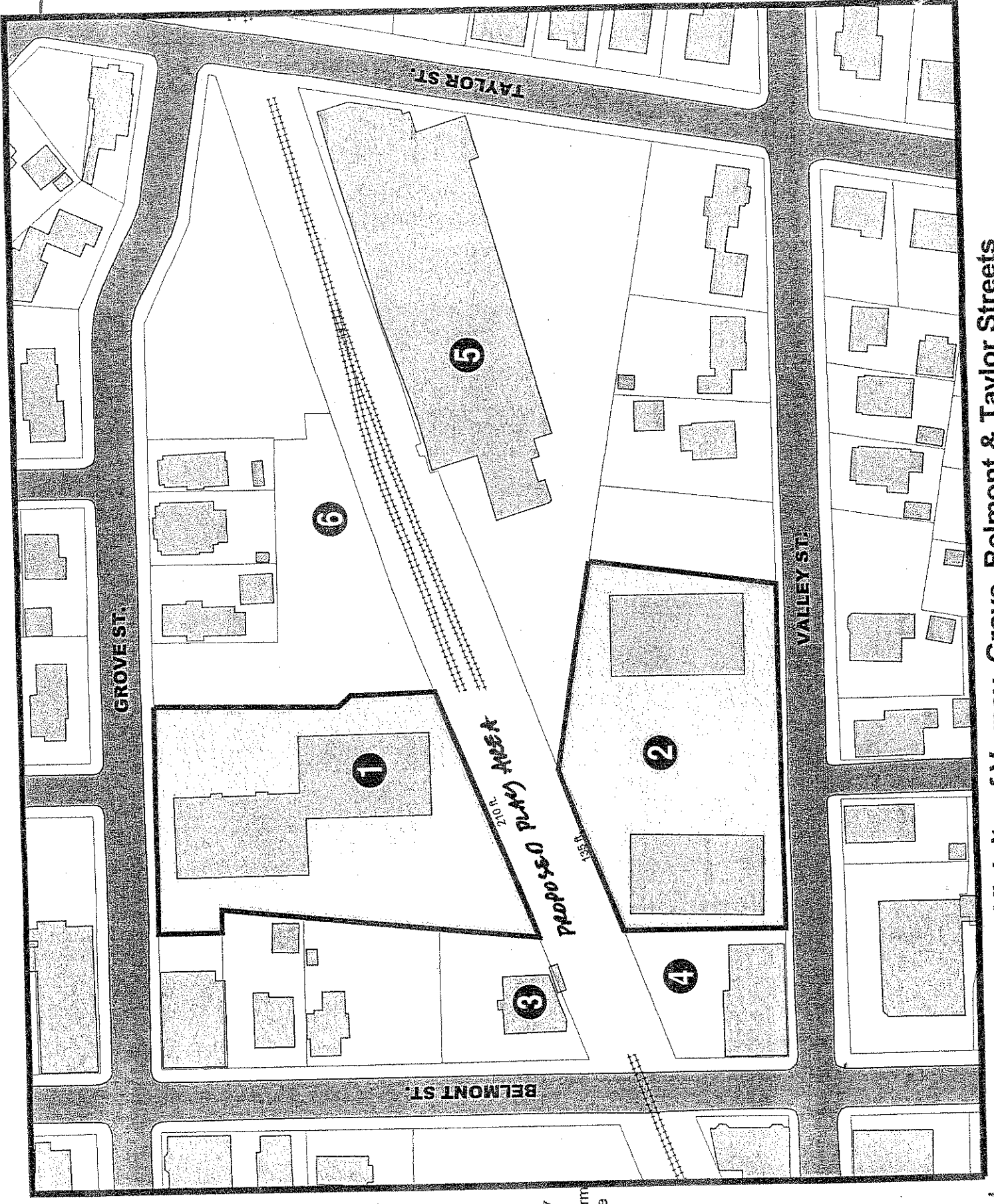
Sincerely,

Robert S. MacKenzie
Director of Planning

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 FAX: (603) 624-6529
E-mail: planning@ci.manchester.nh.us
www.ci.manchester.nh.us

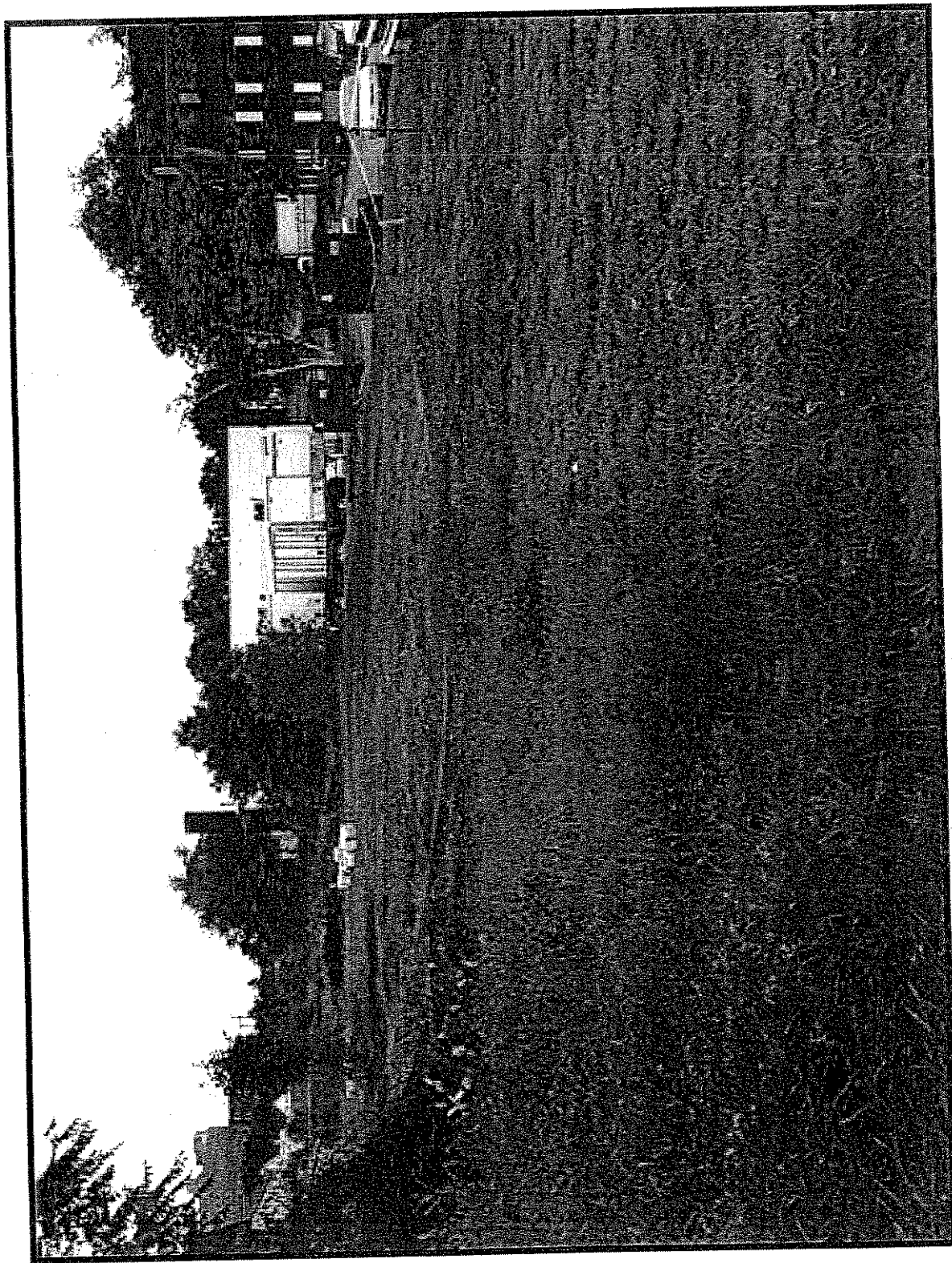
PARCEL INFO

- ① TM 129 / Lot 6
733 Grove St.
MMSM LLC
1.04 Acres
- ② TM 129 - Lot 12
744 Valley St.
MMSM LLC
1.00 Acre
- ③ TM 129 - Lot 10
303 Belmont St.
- ④ TM 129 - Lot 11
706 Valley St.
Luigi's Pizza
- ⑤ TM 129 - Lot 17
324 Taylor St.
Standard Uniform
Rental Service



Map created on 7/9/04 by the City of Manchester Planning & Community Development Department (DJB).
All data shown on this map derived from the City of Manchester GIS.
Map scale: One inch = 100 feet.

Vicinity of Varney, Grove, Belmont & Taylor Streets



VIEW E. 157

7/17/04

RR ROW

WILEY GROVE-9



CITY OF MANCHESTER
Parks, Recreation & Cemetery Department

625 Mammoth Road
Manchester, NH 03104-5491
(603) 624-6565 Administrative Office
(603) 624-6514 Cemetery Division
(603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman
Steve Johnson, Clerk
Michael Worsley
Joseph Sullivan
Sandra Lambert
Ronald Ludwig, Director

July 26, 2004

Alderman Henry Thibault, Chairman - Lands & Buildings Committee
Board of Mayor & Aldermen
One City Hall Plaza
Manchester, NH 03101

Re: Abandoned Rail Corridors

Dear Alderman Thibault:

In 2001, the New Hampshire Department of Transportation transferred ownership of the Manchester and Portsmouth Branch railroad corridor to the City for use as a recreational trail. However, the state placed several restrictions on the use of this property that must be considered before a decision is made regarding requests from abutters to utilize portions of this property.

At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Thomas Arnold, Deputy City Solicitor
David Beauchense, Planning & Community Development

5

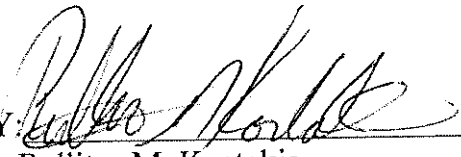
**To the Honorable Board of Mayor and Alderman of the City of
Manchester: Lands & Buildings Committee**

I am writing you today to request a meeting to acquire property previously owned by Boston & Maine Railroad Co., now owned by The State of New Hampshire. Said property is located at Belmont Street with Valley St. as a cross street on the southwest and Grove St. on the Northeast. It is located on map #128.

The reason for this request is that I own Property & Business located at 706 to 722 Valley Street, said property is behind my business known as Luigi's Pizza Bar & Grille. I would like to clean up old railroad tracks and use it as additional parking. I understand that said property is to be used as a Bike trail. Property's width is approximately 50 feet 20 feet should be adequate for bike trail the remaining 30 feet is what I would like to redevelop and use as additional parking. Enclosed is a rough drawing for the redevelopment and use of property.

I look forward to meeting with you to discuss this matter further. Thank You!!

Dated at the City of Manchester, New Hampshire this 8th day of September 2003.

BY: 
Rallitsa M. Kostakis

5

AND

18-B-1-S W
778 FC.
Coal

D/160.53

CORD

(10)
D-100.63
11/84

42,283 ϕ
0.971 Ac.

5-2-82

(12)

122.68

11976
3935
7701

10,564 ϕ
0.242 Ac.

5-2-82

11/84

106-712 - 720

367.50 (OVERALL)
722

265.50

3935

48.08

206775

134.77

243.10 (OVERALL)

48+

108.93

6542
156
6698

2005337

2002 JAN 11 PM 1:39

5

#557
Manchester
City SolicitorKNOW ALL MEN BY THESE PRESENTS

18-34
2

THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, 1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by the City of Manchester, a municipal corporation, whose mailing address is 1 City Hall Plaza, Manchester, NH 03101-2097, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said City of Manchester, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a portion of the abandoned Portsmouth Branch railroad corridor, including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon and including all appurtenances thereto and formerly owned by the Boston and Maine Corporation, the Elliot Hospital of the City of Manchester, 67 Willow Street Realty, L.L.C., and the Flying Horse Realty, Inc., located in the City of Manchester, bounded and described as follows:

Parcel 1:

Beginning at a point designated as Engineering Station 1967+70+/- located on the westerly sideline of Page Street as shown on Railroad Valuation Plan V28NH, Map 38; thence running generally in a westerly direction to a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 2:

Beginning at a point designated as Engineering Station 2002+90+/- located on the westerly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2008+05+/- at the easterly sideline of Hall Road as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 3:

Beginning at a point designated as Engineering Station 2021+70+/- located on the westerly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2080+80+/- at the easterly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41.

Parcel 4:

Beginning at a point designated as Engineering Station 2094+12+/- as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a northwesterly direction to a point designated as Engineering Station 2104+28+/- at the easterly sideline of Elm Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 6200, Pages 40 - 48 on January 11, 2000, said parcels containing an area of 12.45 acres, more or less.

BK6561PG1308

5

Parcel 5:

Beginning at a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2002+44+/- located on the easterly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 5719, Pages 215 – 221 on May 21, 1996, said parcel containing an area of 0.66 acres, more or less.

Parcel 6:

Beginning at a point designated as Engineering Station 2008+61+/- located on the westerly sideline of Hall Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2021+76+/- at the easterly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Elliot Hospital of the City of Manchester by an easement recorded in the Hillsborough County Registry of Deed in Book 5645, Pages 1085 – 1087 on August 1, 1995, said parcel containing an area of 0.60 acres, more or less.

Parcel 7:

Beginning at a point designated as Engineering Station 2081+13+/- located on the westerly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a westerly direction to a point designated as Engineering Station 2083+33+/- at the easterly sideline of Willow Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the 67 Willow Street Realty, L.L.C. by an easement recorded in the Hillsborough County Registry of Deed in Book 6513, Pages 131 – 132 on October 30, 2001, said parcel containing an area of 0.15 acres, more or less.

Parcel 8:

Beginning at the southerly most point of said premises, at an iron pin with cap to be set: thence along a curve westerly along said parcel with a radius of 962.57 feet, a distance of 470.56 feet to a point; thence N8°25'43"W a distance of 108.31 feet to a point; thence along a curve southeasterly with a radius of 932.57 feet to a point on Willow Street in Manchester, New Hampshire; thence S13°52'44" east a distance of 45.99 feet to the point of beginning, as shown on plan entitled "Easement Plan of Land prepared for Flying Horse Realty Inc., in Manchester, NH, scale 1" = 40", Date: January 11, 2000", prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH 03103, and recorded in the Hillsborough County Registry of Deeds as Plan No. 30334.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Flying Horse Realty, Inc., by an easement recorded in the Hillsborough County Registry of Deed in Book 6208, Pages 26 – 27 on February 9, 2000, said parcel containing an area of 0.34 acres, more or less.

BK 65561 PG 1309

5

As a further condition of this instrument, the City of Manchester agrees to the following:

- 1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.
- 2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process.
- 3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

Excepting and Reserving, to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging to the City of Manchester, its successors and assigns forever.

IN WITNESS WHEREOF, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 14th day of December, 20 01.

Signed, Sealed and Delivered
in the presence of

Diane Hartford

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

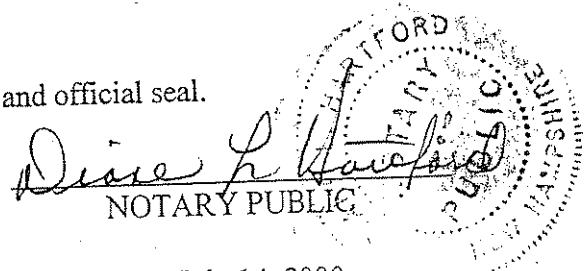
Carol A. Murray
Commissioner

THE STATE OF NEW HAMPSHIRE COUNTY OF MERRIMACK

On this 14th day of December, 20 01, before me, Diane Hartford the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

DIANE L. HARTFORD
Notary Public
My Commission Expires July 21, 2004



Approved by New Hampshire Council on Resources and Development on July 14, 2000.
Approved by Long Range Capital Planning and Utilization Committee on August 22, 2001.
Approved by Governor and Executive Council on October 10, 2001, Item # 146.

BK6561P6131U

5

To: Committee on Lands and Buildings
From: Board of Assessors
Date: December 15, 2004

Re: Map 129
Owner- Litsas LLC- Peter Kostakis
Request to Purchase Property or Lease/License Property

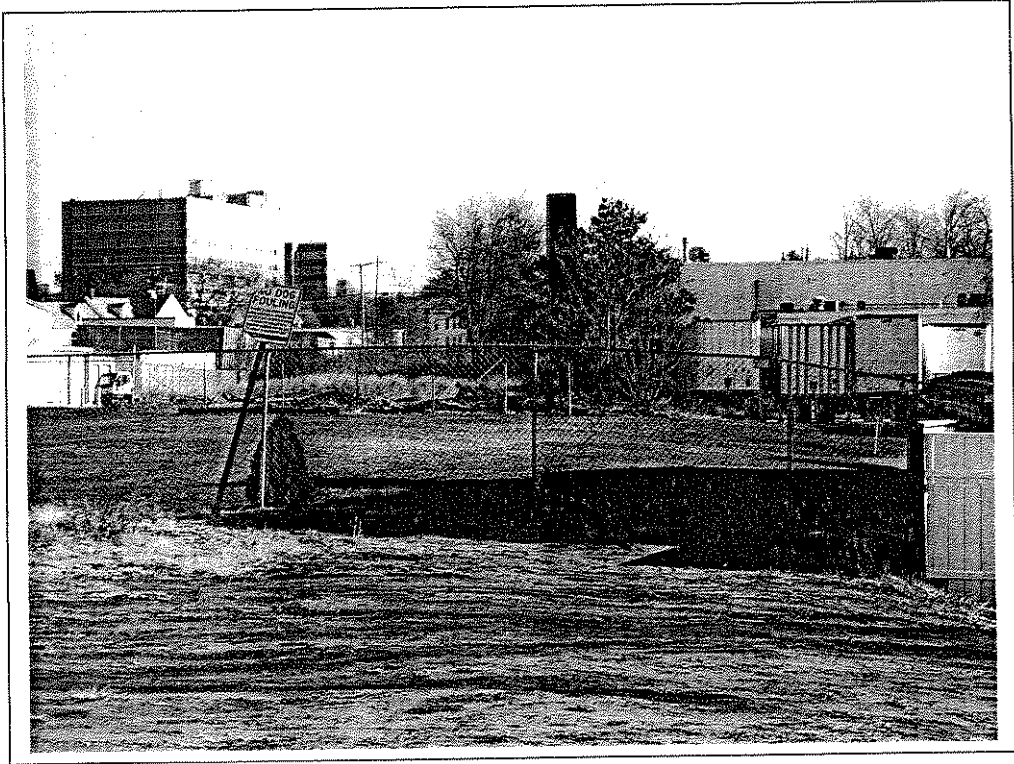
The Assessors have completed an analysis of the estimated market value of the above referenced property. An analysis of the available assessing records has been completed. A review of sales of excess B & M railroad tract land has also been completed. The following is a summary of important facts, and the value estimate:

Property Location	Land is located Valley and Belmont St. in back of Luigi's Pizza
Assessors Map/Lot	Map 129 Lot is not assigned
Property Owner	City of Manchester, NH
Deed Book/Page	Deeded 1/10/02 Book 6561 Page 1308
Date Acquired	Jan 11, 2002
Improved/Vacant	Vacant
Total Land Area	6,621
Current Zoning	RDV Which means Any permitted use
Easements/Restrictions	Railroad
Utilities Available	All
Total Current Assessment	\$0
Indicated Range of Value/Unit	\$4.00 per foot
Indicated Range of Value	\$26,484
Comments	We are using \$4.00 per sq. ft, which is what B & M is selling land to individuals that purchase land in areas like this one.

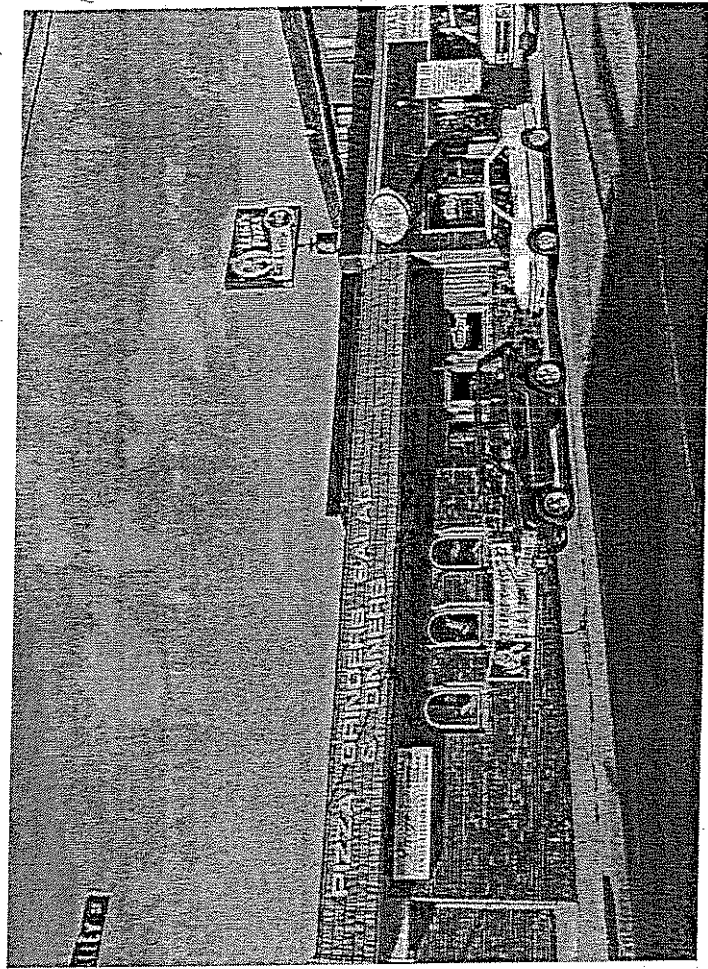
Respectfully submitted by the Board of Assessors,

Thomas C. Nichols

Luigi's Pizza



of 1 SKETCH

[illegible]

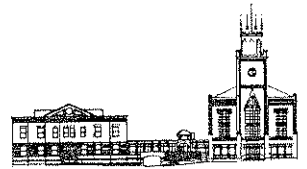


Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

January 12, 2004

Committee on Land and Buildings
Honorable Board of Mayor and Aldermen
City Hall - One City Hall Plaza
Manchester, N.H. 03101

RE: *Disposition of city-owned land on Belmont Street previously owned by the B&M Railroad Company*

Dear Committee Members:

This is to provide a report pursuant to Section 23½ pertaining to the above-referenced city-owned land.

The City recently received a letter from the owner of Luigi's Pizza Bar & Grille, which is located on the northeast corner of Valley and Belmont Streets, inquiring about the possibility of acquiring a portion of the city-owned former rail corridor which passes immediately to the north of their pizzeria. More specifically, the request is to acquire the nearest abutting 30 feet of an existing 60 foot wide ROW for the purpose of providing a larger parking area for the subject restaurant.

Surplus Determination: The Planning Department has reviewed this property and communicated with the Parks Department about this matter and has discovered that there is a plan to run a future pedestrian/bicycle trail system over the former rail ROW – for the purpose of connecting the RiverWalk along the Merrimack River to the state's Rockingham Trail, which essentially runs between Hampton and Lake Massabesic. As such, we do not believe that the former rail ROW is surplus to city needs.

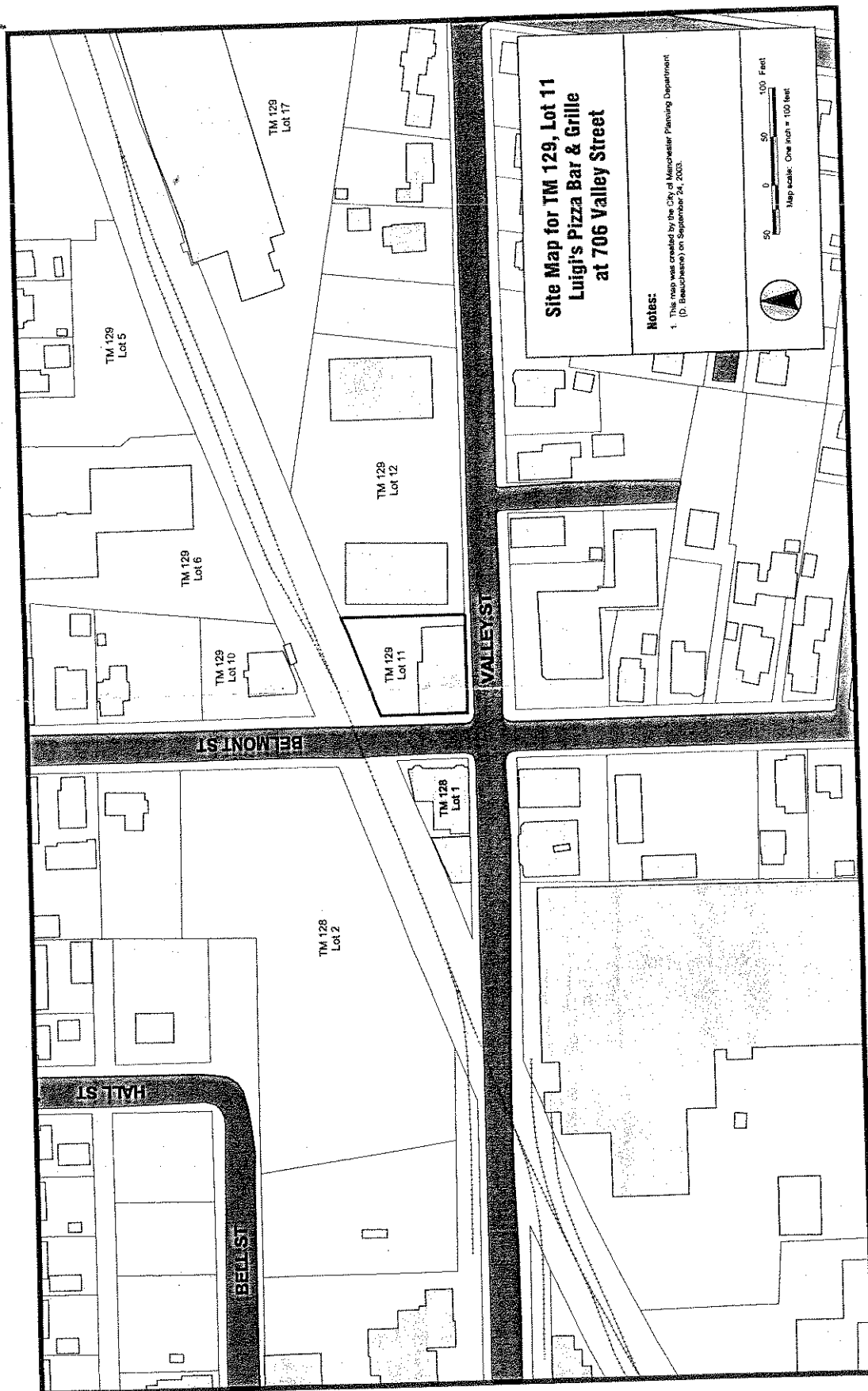
Disposition: If it could be determined in advance that it would not obstruct or otherwise compromise any portion of the City's future pedestrian/bicycle trail plan, we suggest that the Committee consider recommending the possibility that a license be issued to Luigi's Pizza Bar & Grille allowing their private use of an appropriate portion of the subject ROW for their parking needs.

Sincerely,

Robert S. MacKenzie
Director of Planning

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 FAX: (603) 624-6529
E-mail: planning@ci.manchester.nh.us
www.ci.manchester.nh.us

5





CITY OF MANCHESTER
Parks, Recreation & Cemetery Department

625 Mammoth Road
Manchester, NH 03104-5491
(603) 624-6565 Administrative Office
(603) 624-6514 Cemetery Division
(603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman
Steve Johnson, Clerk
Michael Worsley
Joseph Sullivan
Sandra Lambert
Ronald Ludwig, Director

July 26, 2004

Alderman Henry Thibault, Chairman - Lands & Buildings Committee
Board of Mayor & Aldermen
One City Hall Plaza
Manchester, NH 03101

Re: Abandoned Rail Corridors

Dear Alderman Thibault:

In 2001, the New Hampshire Department of Transportation transferred ownership of the Manchester and Portsmouth Branch railroad corridor to the City for use as a recreational trail. However, the state placed several restrictions on the use of this property that must be considered before a decision is made regarding requests from abutters to utilize portions of this property.

At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

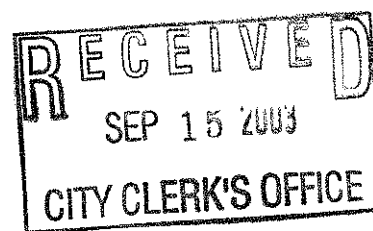
cc: Thomas Arnold, Deputy City Solicitor
David Beauchense, Planning & Community Development



**City of Manchester
Office of the Tax Collector**

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101
(603) 624-6575 (Phone)
(603) 628-6162 (Fax)

Joan A. Porter
Tax Collector



Memorandum

DATE: SEPTEMBER 12, 2003
TO: CITY CLERK
FROM: JOAN PORTER, TAX COLLECTOR *JAP*
RE: PURCHASE OF RAILROAD PROPERTY

Since this is not a tax-deeded property, the Tax Collector's office has no interest in its disposition.

6

J.C.'S Auto Sales

◆◆◆
118 Maple St. ♦ Manchester, NH 03103
Phone 1-603-645-6160 ♦ Fax 1-603-645-6160

RECEIVED
MANCHESTER, NH 03103

'04 APR 27 AM 11:52

April 26, 2004

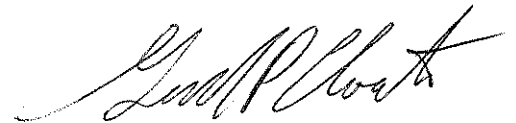
City Hall, City Clerks office
One City Hall Plaza
Manchester, NH, 03102

To Whom It May Concern,

My name is Gerald P. Cloutier. I am the owner of the property at 118 Maple St. It has come to my attention that the city of Manchester has aquired the abutting land on 118 Maple St. that was the former property of the Boston and Maine Railroads. I am interested in purchasing this property from the City of Manchester. Recently it has come to my attention that I am not in compliance with the parking codes that the city regulates. If able to purchase this piece of property on the corner of Maple St. and Sommerville. St. I will be in compliance with the City. I would appreciate it if you can look into this matter for me. If you can advise me on my next step in aquiring this property, who to conta ct , what the price might be. I would appreciate it . Thank-you for this consideration. I will be looking forward to hearing from you.

Sincerely,

Gerald P. Cloutier



65 Winter St
Manchester NH 03102

Home 626 7274
Work 645 6160
Cell 582 2522

2005337

2002 JAN 11 PM 1:39

KNOW ALL MEN BY THESE PRESENTS

18-34 #557
City of Manchester
City Solicitor

THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, 1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by the City of Manchester, a municipal corporation, whose mailing address is 1 City Hall Plaza, Manchester, NH 03101-2097, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said City of Manchester, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a portion of the abandoned Portsmouth Branch railroad corridor, including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon and including all appurtenances thereto and formerly owned by the Boston and Maine Corporation, the Elliot Hospital of the City of Manchester, 67 Willow Street Realty, L.L.C., and the Flying Horse Realty, Inc., located in the City of Manchester, bounded and described as follows:

Parcel 1:

Beginning at a point designated as Engineering Station 1967+70+/- located on the westerly sideline of Page Street as shown on Railroad Valuation Plan V28NH, Map 38; thence running generally in a westerly direction to a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 2:

Beginning at a point designated as Engineering Station 2002+90+/- located on the westerly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2008+05+/- at the easterly sideline of Hall Road as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 3:

Beginning at a point designated as Engineering Station 2021+70+/- located on the westerly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2080+80+/- at the easterly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41.

Parcel 4:

Beginning at a point designated as Engineering Station 2094+12+/- as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a northwesterly direction to a point designated as Engineering Station 2104+28+/- at the easterly sideline of Elm Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 6200, Pages 40 - 48 on January 11, 2000, said parcels containing an area of 12.45 acres, more or less.

BK6561PG1308

Parcel 5:

Beginning at a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2002+44+/- located on the easterly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 5719, Pages 215 - 221 on May 21, 1996, said parcel containing an area of 0.66 acres, more or less.

Parcel 6:

Beginning at a point designated as Engineering Station 2008+61+/- located on the westerly sideline of Hall Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2021+76+/- at the easterly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Elliot Hospital of the City of Manchester by an easement recorded in the Hillsborough County Registry of Deed in Book 5645, Pages 1085 - 1087 on August 1, 1995, said parcel containing an area of 0.60 acres, more or less.

Parcel 7:

Beginning at a point designated as Engineering Station 2081+13+/- located on the westerly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a westerly direction to a point designated as Engineering Station 2083+33+/- at the easterly sideline of Willow Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the 67 Willow Street Realty, L.L.C. by an easement recorded in the Hillsborough County Registry of Deed in Book 6513, Pages 131 - 132 on October 30, 2001, said parcel containing an area of 0.15 acres, more or less.

Parcel 8:

Beginning at the southerly most point of said premises, at an iron pin with cap to be set; thence along a curve westerly along said parcel with a radius of 962.57 feet, a distance of 479.56 feet to a point; thence N8°25'43"W a distance of 108.31 feet to a point; thence along a curve southeasterly with a radius of 932.57 feet to a point on Willow Street in Manchester, New Hampshire; thence S13°52'44" east a distance of 45.99 feet to the point of beginning, as shown on plan entitled "Easement Plan of Land prepared for Flying Horse Realty Inc., in Manchester, NH, scale 1" = 40", Date: January 11, 2000", prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH 03103, and recorded in the Hillsborough County Registry of Deeds as Plan No. 30334.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Flying Horse Realty, Inc., by an easement recorded in the Hillsborough County Registry of Deed in Book 6208, Pages 26 - 27 on February 9, 2000, said parcel containing an area of 0.34 acres, more or less.

BK 6561 PG 1303

As a further condition of this instrument, the City of Manchester agrees to the following:

1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.

* 2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process.

3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

Excepting and Reserving, to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging to the City of Manchester, its successors and assigns forever.

IN WITNESS WHEREOF, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 14th day of December, 20 01.

Signed, Sealed and Delivered
in the presence of

Diane Hartford

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Carol A. Murray
Commissioner

THE STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK

On this 14th day of December, 20 01, before me, Diane Hartford the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

DIANE L. HARTFORD
Notary Public
My Commission Expires July 11, 2004

Diane L. Hartford
NOTARY PUBLIC

Approved by New Hampshire Council on Resources and Development on July 14, 2000.
Approved by Long Range Capital Planning and Utilization Committee on August 22, 2001.
Approved by Governor and Executive Council on October 10, 2001, Item # 146.

DK 6561 PB 1310



CITY OF MANCHESTER, NH

Board of Assessors

One City Hall Plaza, West Wing
Manchester, New Hampshire 03101
Tel: (603) 624-6520 – Fax: (603) 628-6288
E-mail: assessors@ci.manchester.nh.us
Web: www.ManchesterNH.gov



Steven G. Tellier, Chairman
Thomas C. Nichols
Stephan W. Hamilton

Christine Hanagan
Assistant to Assessors

To: Committee on Lands and Buildings
From: Board of Assessors
Date: December 15, 2004

Re: Map/Lot: 0361/0001 – Note: This is the Abutter's Lot
Owner: Gerald P. Cloutier
Request to Purchase or Lease/License Land

The Assessors have completed an analysis of the estimated market value of the above referenced property. An examination of the available assessing records has been completed. A review of sales of excess B&M Railroad tracts of land has also been done. The following is a summary of important facts and the value estimate:

Property Location	Maple and Somerville Streets
Assessors Map/Lot	Not Assigned
Property Owner	City of Manchester
Deed Book/Page	Not Assigned
Date Acquired	N/A
Improved/Vacant	Vacant
Total Land Area	5,271 sq. ft.
Current Zoning	RDV
Overlay District	N/A
Easements/Restrictions	Railroad
Utilities Available	All
Total Current Assessment	\$0
Indicated Range of Value/Unit	\$4.00
Indicated Range of Value	\$21,084
Comments	We are using \$4.00 per sq. ft. which is the rate at which B&M is selling land to individuals who purchase land in areas such as this one. However, this lot is located in a good commercial area. On the open market the location of the lot could add considerable contributory value to the abutting property.

Respectfully submitted,
BOARD OF ASSESSORS

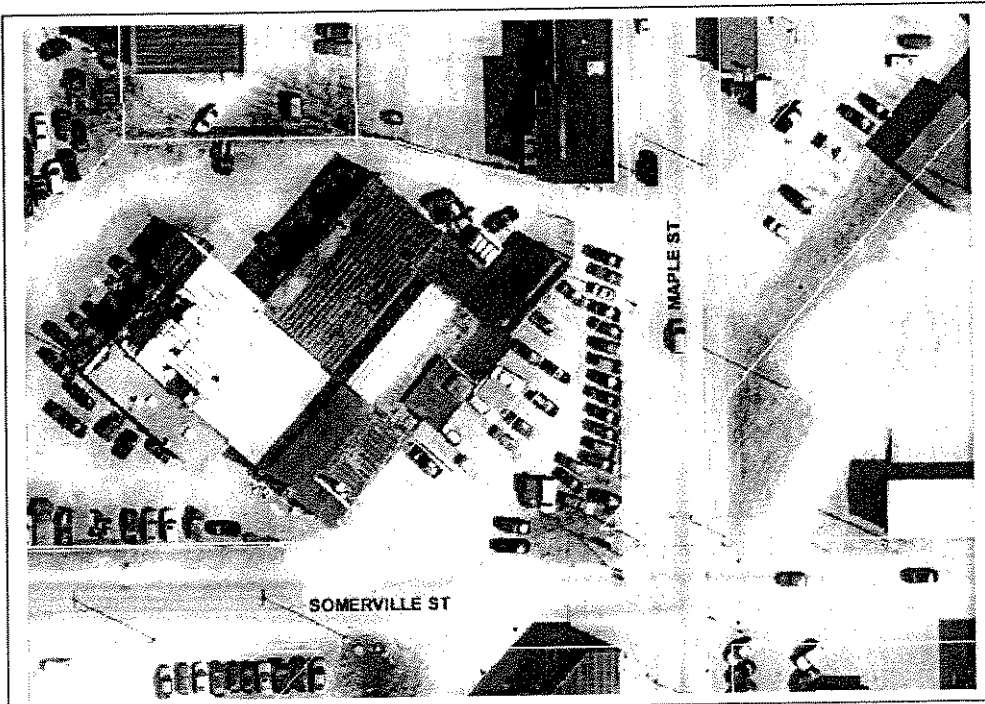
Thomas C. Nichols

Steven G. Tellier, Chairman

Thomas C. Nichols, Assessor

Stephan W. Hamilton, Assessor

Maple and Somerville
J.C. Auto Sales



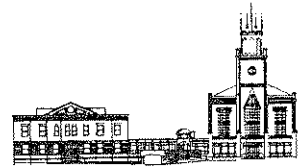


Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management



Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

May 24, 2004

Committee on Land and Buildings
Honorable Board of Mayor and Aldermen
Manchester City Hall
One City Hall Plaza
Manchester, New Hampshire 03101

Re: *Disposition of City-owned former rail ROW parcel abutting 118 Maple Street*

Dear Committee Members:

The City has received a written request by Mr. Gerald Cloutier, owner of J. C.'s Auto Sales (corner of Silver, Somerville and Maple Streets), seeking the opportunity to purchase a small triangular-shaped 5,271 s.f. section of the former B & M Portsmouth Branch rail line which abuts his property (see attached map). Mr. Cloutier's stated goal in such a purchase is that it would assist in resolving his used car business' on-site parking problems. At its widest, the subject city-owned parcel is app. 60' wide and contains the former railroad's steel rails and timber ballast which are still in place running down the middle of the parcel.

Surplus Determination: The Planning Department has communicated with the Parks, Recreation and Cemeteries Department in reviewing this property and has determined that the City has long-term plans to install a bike/pedestrian trail along the former Portsmouth Branch railroad line through this part of town to connect the state's Rockingham Recreational Trail on the east side of the city with the CrossTrails hub in the vicinity of the south Millyard ballfield. It was also found that the State of New Hampshire, in deeding the former rail ROW to the City, not only reserved a 30' wide transportation easement on the property for possible future rail uses but also maintained a right to approve any sale of the rail ROW which the City may wish to undertake. In view of these long-range plans and restrictions, our recommendation is that the subject parcel continue to be maintained in city ownership and not be declared surplus.

Disposition: Given the real commercial need by J. C.'s Auto Sales for added on-site parking, we feel that the City could reasonably enter into a lease agreement with Mr. Cloutier which would allow him to use approximately 30' of that portion of the subject parcel which is closest to his 118 Maple Street business such lease to include a reversionary clause that would allow the City to construct a recreational trail at any apt future date. The Committee may wish to consider this option.

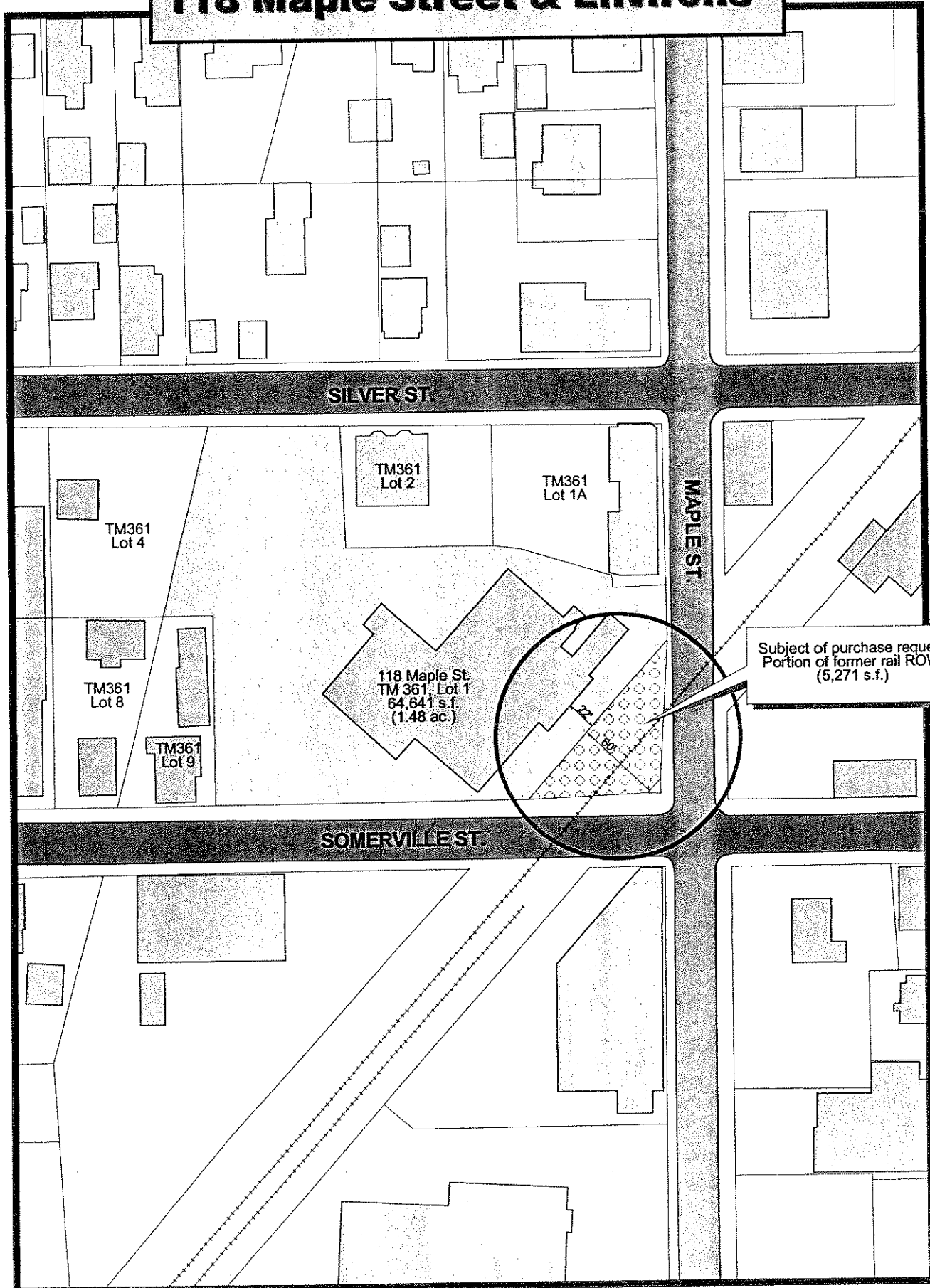
Sincerely,

Robert S. MacKenzie
Director of Planning & Community Development

Copy: file

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 FAX: (603) 624-6529
E-mail: planning@ci.manchester.nh.us
www.ci.manchester.nh.us

118 Maple Street & Environs



Subject of purchase request
Portion of former rail ROW
(5,271 s.f.)

118 Maple St.
TM 361, Lot 1
64,641 s.f.
(1.48 ac.)

SILVER ST.

MAPLE ST.

SOMERVILLE ST.

TM361
Lot 4

TM361
Lot 1A

TM361
Lot 8

TM361
Lot 9



CITY OF MANCHESTER
Parks, Recreation & Cemetery Department

625 Mammoth Road
Manchester, NH 03104-5491
(603) 624-6565 Administrative Office
(603) 624-6514 Cemetery Division
(603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman
Steve Johnson, Clerk
Michael Worsley
Joseph Sullivan
Sandra Lambert
Ronald Ludwig, Director

May 21, 2004

Alderman Henry Thibault, Chairman - Lands & Buildings Committee
Board of Mayor & Aldermen
One City Hall Plaza
Manchester, NH 03101

Re: Abandoned Rail Corridor Land Purchase request – Gerald Cloutier

Dear Alderman Thibault:

I would like to provide some comments regarding the request of Mr. Gerald Cloutier of J. C.'s Auto Sales to purchase a portion of the former Manchester and Portsmouth railroad line at 118 Maple Street. This property was transferred to the City from the State of New Hampshire on December 14, 2001.

The State of New Hampshire placed several conditions within the deed, including use and management restrictions and the need to obtain approval from the State before selling any portion of the property. Furthermore the State has reserved a (30') transportation easement on the property.

According to the City Master Plan, abandoned rail corridors throughout Manchester were identified as future greenways and trail connectors to the neighborhoods. We are currently working on two trail projects on abandoned rail corridors including the Piscataquog Trailway and South Manchester Rail Trail.

The property in question has also been identified as a connector to the Rockingham Recreational Trail, which the State currently manages from I-93 in Manchester easterly to the town of Newfields. As funding becomes available, we would like to improve this section of rail corridor for a recreational trail.

In view of the restrictions placed on this property by the State and the City's long range plans for recreational trails, we would recommend that the Board of Aldermen deny a fee simple purchase of this property. Instead, the Board may consider a lease agreement allowing use of the property with a reversionary clause that would allow the City to construct a recreational trail at a future date.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Ronald E. Ludwig, Director
Robert A. MacKenzie, Planning Director

6



City of Manchester
Office of the Tax Collector

City Hall
One City Hall Plaza - West
Manchester, New Hampshire 03101 Joan A. Porter
(603) 624-6575 (Phone) Tax Collector
(603) 628-6162 (Fax)

Memorandum

DATE: April 30, 2004
TO: Land & Building Committee
FROM: Joan A. Porter, Tax Collector
RE: L Corner of Maple St/Somerville St

As the parcel referenced above is not a Tax-Deeded property, the Tax Collector's office has no interest in its disposition nor any further information to contribute.



CITY OF MANCHESTER
Parks, Recreation & Cemetery Department

625 Mammoth Road
Manchester, NH 03104-5491
(603) 624-6565 Administrative Office
(603) 624-6514 Cemetery Division
(603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman
Steve Johnson, Clerk
Michael Worsley
Joseph Sullivan
Sandra Lambert
Ronald Ludwig, Director

July 26, 2004

Alderman Henry Thibault, Chairman - Lands & Buildings Committee
Board of Mayor & Aldermen
One City Hall Plaza
Manchester, NH 03101

Re: Abandoned Rail Corridors

Dear Alderman Thibault:

In 2001, the New Hampshire Department of Transportation transferred ownership of the Manchester and Portsmouth Branch railroad corridor to the City for use as a recreational trail. However, the state placed several restrictions on the use of this property that must be considered before a decision is made regarding requests from abutters to utilize portions of this property.

At the May 26, 2004 Lands and Buildings Committee meeting, a vote was taken to table these requests pending development of a standard policy by City staff. I recently met with Tom Arnold from the City Solicitor's Office and David Beauchense from the Planning Department to discuss what should be included in this policy. While our meeting was productive, we will need some additional time to develop a written policy for your review.

In view of the restrictions placed on this property by the State and the City's long range plans for a recreational trail, it is certain that we will not recommend fee simple purchases. It may be possible to develop an agreement for temporary use that would not include any structures with a reversionary clause that would allow the City to construct a recreational trail at a future date.

We will have our recommendations for this policy available for your next scheduled meeting.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Thomas Arnold, Deputy City Solicitor
David Beauchense, Planning & Community Development

312 / 14

348 / 41

348 / 39,40

348 / 42,43

SILVER STREET

STREET OUT
RESTAURANT

CORPORATION

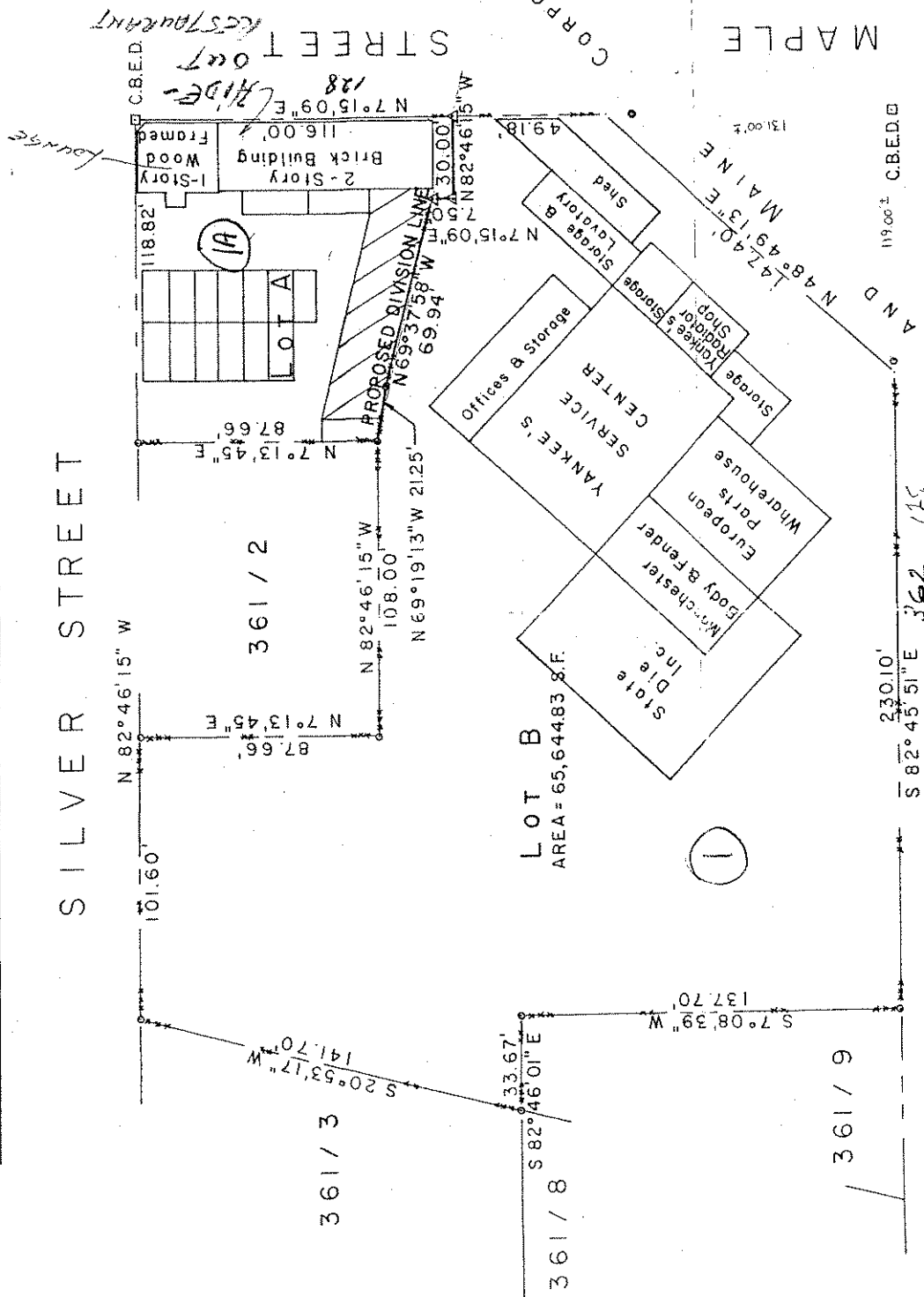
MAPLE

356 / 29

MAP 361

I hereby certify that this plan is based on an actual field survey and has a maximum closure of 1 in 10,000 on all proper

6



SOMERVILLE STREET

AND N 48° 49' 13" E 142.40' CBED

S 82° 45' 51" E 230.10' 362 116

361 / 9

361 / 8

361 / 3



PMC A DIVISION OF ROCKBESTOS SURPRENANT CABLE CORPORATION
680 HAYWARD STREET, MANCHESTER, NH 03103 • (603) 622-3500
SPECIALIZING IN WIRE & CABLE FOR THE SENSOR INDUSTRY • FAX (603) 622-8149

Mr. Hank Thibault
Chairman of the Lands and Buildings Committee
c/o City Clerk
1 City Hall Plaza
Manchester, NH 03103

Dear Mr. Thibault;

PMC Wire manufactures wire and cable products and is located in Ward 7 between Valley Street and Hayward Street and adjacent to Hoitt Furniture. PMC has about 90 full-time employees and relocated to this location about six years ago from Londonderry after significantly upgrading the facility (formerly the International Paper plant).

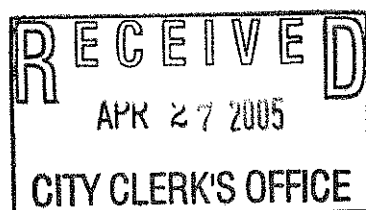
We have been working with Jane Hills from the Economic Development office over the past year in an effort to obtain truck access to the plant from Valley Street. It is our intention to eliminate the passage of semi-trucks through the residential neighborhood en-route to the plant by accessing Valley Street directly. We also intend to improve the landscaping and overall appearance of the facility along the street when constructing the truck entrance. However, access to the plant from Valley Street involves crossing the former Portsmouth Branch rail corridor. It is our intention to remove the steel rails and hazardous timber rail ties and install a naturalized walking trail with trees and landscaping when constructing the access across the rail bed.

Currently, a significant amount of litter blows across the road from the plaza and collects in this area. This garbage catches in and around the timbers, rail tracks, and scrub bushes and is difficult to keep clean. We believe our proposal would significantly improve the neighborhood and help establish a section of the proposed "rails-to-trails" project.

I attended a city government meeting in early January and understand that a policy regarding rail bed usage is being developed. I look forward to discussing this further with you and would be glad to provide any additional information you may require regarding this project.

Sincerely,

Greg Grace
Vice President of Operations





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We will work closely with the City Parks Department to insure that our improvements do not impede future anticipated uses to the rail corridor, and we will meet all site requirements as determined by other city departments. We also understand that we are not requesting to purchase any part of the rail trail, nor to create a permanent easement.

By creating a new truck access point, we will be able to free up some of our existing building and site to facilitate anticipated business expansion and the creation of additional jobs for Manchester.

I attended a city government meeting in early January and understand that a policy regarding rail bed usage is being developed. I look forward to discussing this

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Sincerely,

Greg Grace
Vice President of Operations

